

Office Action Summary

Application No.

10/509,089

Applicant(s)

HERON ET AL.

Examiner

CORDELIA KANE

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SD/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed January 28, 2008 have been fully considered but they are not persuasive. Applicant argues that Sit does not teach more than one controller nor the exchange of control messages between them. However, Sit discloses remote processor 157 and local processor 122. The CDMG sends a control message to remote processor 157 that lists the devices to be controlled (column 3, lines 63-67). The remote processor then sends a control message 171 to local processor 122 which then controls devices 110 (column 4, lines 3-9). These messages establish which devices to be controlled and then how to control them which is analogous to device control messages.
2. Applicant argues that Sit does not teach a device that is remotely controlled. However Sit teaches that message 170 causes response message 171 that controls device 110 (column 4, lines 4-9). These exchanges of messages makes it possible for remote processor 157 to remotely control devices 110.
3. Applicant argues that Crichton does not disclose all the limitations of claims 18, 30 and those dependent thereon. Applicants claimed first controller and second controller are interpreted as Crichton's server end proxy and client end proxy respectively. The separate device would be the XServer. So the client end proxy establishes a connection to the server end proxy (column 5, lines 54-60) and then the XClient sends device control messages to the client end proxy which then forwards them to the server end proxy that then controls the XServer (column 5, lines 17-25).

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

5. Claims 1 – 4, 12 – 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Sit et al's Us Patent 6,349,336 B1. Referring to claim 1, Sit teaches:

- a. A first controller connected to the network on the first network side for receiving control messages from a control station (column 3, lines 63-65).
- b. A second controller connected to the network on the second network side, for receiving the device control messages from the first controller and controlling the operation of at least one device (column 4, lines 3-9).
- c. Wherein the first controller is configured to send the device control messages to the second controller after initiation of a connection to the first controller by the second controller (column 4, lines 28-31).

6. Referring to claim 2, Sit teaches that the second controller initiates connection by sending a connection request to the first controller (column 3, lines 63-65).

7. Referring to claim 3, Sit teaches that the access control means is configured to prevent connection requests from the first controller from reaching the second controller (column 2, lines 23-25).

8. Referring to claim 4, Sit teaches that the connection is maintained between the first and second controllers following receipt of the connection request from the second controller, and to permit the first controller to send the device control messages to the second controller (column 4, lines 27-36).

9. Referring to claim 12, Sit teaches that the control station is configured to receive information relating to an event occurring at the devices via the first (column 4, lines 48-60) and second controller (column 4, line 64-column 5, line 1).
10. Referring to claim 13, Sit teaches that the control station generates device control messages in response to received information (column 4, lines 39-42).
11. Referring to claim 14, Sit teaches that the control station initiates a connection to the first controller to enable it to receive information (column 3, lines 53-65).
12. Referring to claim 15, Sit teaches that the first controller initiates a connection to the control station (column 4, lines 48-60).
13. Referring to claim 16, Sit teaches that the first controller is triggered to initiate the connection to the control station after initiation of the connection to the first controller by the second controller (column 3, lines 44-47).
14. Referring to claim 17, Sit teaches that the second controller controls one or more devices (column 3, lines 51-53).
15. Claims 18 – 20, 23 – 25, 29 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Crichton et al's US Patent 6,104,716. Referring to claim 18, Crichton teaches:
 - d. Initiating a connection to a first controller from the second controller (column 5, lines 54-57).

- e. Sending device control messages from the control station to the first controller and from the first controller to the second controller (column 5, lines 17-25).
16. Referring to claim 19, Crichton teaches:
- f. A monitor station connected to the network for receiving information concerning the devices (column 5, line 28).
 - g. A first controller for receiving information and sending information to the monitor station (column 5, lines 17-25).
 - h. A second controller for monitoring operations of the device and sending information to the first controller (column 5, line 28). It is inherent that the data passes from the server proxy to the client proxy because that is how the tunnel is established.
 - i. Wherein the first controller is configured to send information to the monitor station after initiation of a connection to the first controller by the monitor station (column 5, lines 17-19).
17. Referring to claim 20, Crichton teaches that the system is configured to maintain a connection between the monitor station and the first controller and to permit the first controller to send information received to the monitor station without requesting a new connection (column 5, lines 17-29).
18. Referring to claim 23, Crichton teaches that the second controller is connected to the network on the second network side (column 4, lines 35-37).